

**REMARKS**

Claims 1-19 are pending in this application. By this Amendment, claim 1 is amended to overcome the rejection under 35 U.S.C. §112. No new matter is added by this Amendment. Support for the language added to claim 1 can be found on page 9, lines 12-20 of the specification.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Gordon in the October 19, 2004 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to rejections and arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. Finality of Office Action**

Applicants submit that the Office Action was improperly made final. Specifically, the November 10, 2004 Office Action contained a new rejection of claim 1 under 35 U.S.C. §112, second paragraph. The language "almost" newly rejected under 35 U.S.C. §112, second paragraph, appeared in original claim 1. This new rejection thus clearly was not necessitated by an amendment to claim 1.

As such, Applicants submit that the finality of the Office Action is improper and must be withdrawn.

**II. Claims Pending**

The November 10, 2004 Office Action incorrectly states that claims 1-18 are pending. In fact, claims 1-19 are pending herein.

**III. Allowable Subject Matter**

Applicants note with appreciation that claims 7 and 14 are allowable.

**IV. Specification**

The Patent Office alleges that section headings are missing from the specification. Applicants respectfully disagree.

The specification included appropriate section headings, including "Technical Field" and "Background Art" on page 1, lines 6 and 13, respectively, "Description of the Invention" on page 5, line 15, "Brief Description of the Drawings" on page 7, line 21 and "Best Mode for Carrying Out the Present Invention" on page 8, line 19 of the specification.

However, solely to expedite prosecution of this application, the section headings have been revised as suggested by Patent Office guidelines.

**V. Rejection Under 35 U.S.C. §112**

**A. First Paragraph**

Claims 1-18 were rejected under 35 U.S.C. §112, first paragraph because the specification allegedly is not enabling of the claimed invention. This rejection is respectfully traversed.

The Patent Office rejected claims 1-18 as allegedly not enabling a person skilled in the art to use the invention if the flow path is at a lesser or same depth as a desired liquid level. Accordingly, solely to expedite prosecution of this application, Applicants have amended claim 1 to recite that "the flow path is at a lower depth than a desired liquid level."

Furthermore, the Patent Office alleged that "at the almost same level" could be at a level where the liquid would never reach the desired level. Again, solely to expedite

prosecution of this application, Applicants have amended claim 1 to recite "at the same level." During the October 19 interview, Examiner Gordon indicated that such an amendment would overcome this rejection.

As such, claims 1-18 are enabled by the specification. Reconsideration and withdrawal of the rejection are thus respectfully requested.

**B. Second Paragraph**

Claim 1 was newly rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

The Patent Office rejected claim 1 as allegedly being indefinite because "almost" is allegedly not defined by the claim or the specification. Thus, solely to expedite the prosecution of this application, Applicants have amended claim 1 to recite "a discharge tube of which a discharging inlet is positioned at the same level position as the desired liquid level."

The Patent Office further rejected claim 1 as allegedly lacking antecedent basis for the limitation "the discharging inlet." Thus, Applicants have amended claim 1 to recite "a discharging inlet."

As this rejection is now moot, reconsideration and withdrawal of the rejection are thus respectfully requested.

**VI. Rejections under 35 U.S.C. §102(b)**

**A. Anscherlik**

Claims 1 and 8-12 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,085,717 (Anscherlik). This rejection is respectfully traversed.

Anscherlik discloses that the outlet of the connecting pipe 2 is positioned lower than the desired level 33 of the liquid 31. Thus, Anscherlik does not teach all of the features recited in claim 1.

In particular, if the connection pipe 2 is interpreted to mean the discharging tube as recited in claim 1 of the present invention, Anscherlik does not teach or suggest a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel, as recited in claim 1.

For the foregoing reasons, Applicants submit that claims 1 and 8-12 are allowable in view of Anscherlik. Reconsideration and withdrawal of the rejection are thus respectfully requested.

**B. Jones '527**

Claims 1-3 and 9-12 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,140,527 (Jones '527). This rejection is respectfully traversed.

The mud pit disclosed in Jones '527 does not teach a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel as recited in claim 1 of the present application. The Patent Office indicates that the mud pit 12 of Jones '527 corresponds to the discharging vessel, the pipe 16 corresponds to the discharging tube, and the solid control equipment 42 corresponds to the storage vessel, respectively, of claim 1. Even if these allegations of correspondence are accepted, it is apparent that the discharging tube is not located at the same level as the desired level of the mud 10. See Figure 1 of Jones '527.

That is, Jones '527 fails to teach or suggest a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel, as recited in claim 1.

Thus, Jones '527 does not teach the liquid treating equipment as recited in claims 1-3 and 9-12. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

**VII. Claim Rejections Under 35 U.S.C. §103(a)**

**A. Claims 9 and 15-18**

Claims 9 and 15-18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anscherlik. This rejection is respectfully traversed.

As discussed above, Anscherlik does not teach or suggest a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel as recited in claim 1. Claims 9 and 15-18, directly or indirectly, depend on allowable claim 1, and are thus also allowable.

Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

**B. Claim 6**

Claim 6 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anscherlik in view of U.S. Patent No. 3,909,205 (Jones '205). This rejection is respectfully traversed.

Jones '205 does not remedy any of the deficiencies of Anscherlik discussed above. In particular, a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel as recited in claim 1 is nowhere taught or suggested in either Anscherlik or Jones '205.

Claim 6 directly depends on allowable claim 1, and is thus also allowable. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

**C. Claim 4**

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jones '527. This rejection is respectfully traversed.

As discussed above, Jones '527 does not teach or suggest a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel as recited in claim 1. Claim 4 indirectly depends on allowable claim 1, and is thus also allowable.

Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

**D. Claims 5 and 12**

Claims 5 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anscherlik or Jones '527. This rejection is respectfully traversed.

Anscherlik and Jones '527, in combination or independently, do not teach or suggest a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel as recited in claim 1. Claims 5 and 12 directly depend on allowable claim 1, and are thus also allowable.

Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

**E. Claims 12 and 13**

Claims 12 and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anscherlik or Jones '527 in view of JP-101099 (JP '099). This rejection is respectfully traversed.

JP '099 does not remedy any of the deficiencies of Anscherlik or Jones '527 discussed above. In particular, a discharge tube of which the discharging inlet is positioned at the same level position as a desired liquid level of the liquid to be injected into the storage vessel as recited in claim 1 is nowhere taught or suggested by either Anscherlik, Jones '527 or JP '099.

Claims 12 and 13 indirectly depend on allowable claim 1, and are thus also allowable. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

**VIII. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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